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ATTORNEYS FOR PETITIONER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

<b>TARYN CHRISTIAN,</b>	)	<b>CIV NO. 04-00743 DAE-LEK</b>
	)	
<b>Petitioner,</b>	)	<b>DECLARATION</b>
	)	<b>OF MARK BARRETT;</b>
	)	
<b>vs.</b>	)	
	)	
<b>CLAYTON A. FRANK,</b>	)	
<b>Director, State of Hawaii</b>	)	
<b>Department of Public Safety,</b>	)	
	)	<b>CERTIFICATE OF SERVICE</b>
<b>Respondent.</b>	)	

**DECLARATION OF MARK BARRETT**

I, Mark Barrett, do declare as follows:

1. This declaration responds to the Court's April 3, 2008 order granting the  
Petitioner until April 17 to file an affidavit or declaration informing the Court

whether he wishes to have the additional swabs sent to SRI for evaluation and, if so, what the basis for the request is. (page 8 of order)

2. On behalf of Petitioner, declarant states that testing at Serological Research Institute is still desired if the swabs can be located.

3. Declarant has read the April 9, 2008 declaration of Margo Evans, including her statement that the swabs are not in the possession of the Maui Police Department.

4. In spite of that April 9, 2008 declaration, Petitioner wishes to make it clear that testing in regard to the items is desired if they can at some point be found.

5. Declarant does not assume that the swabs are non-existent because of this chain of events:

As noted in Respondent s December 17, 2007 letter to the Court, swabs that previously had been identified were sent by the Maui Police Department to Serological Research Institute on or about October 9, 2007;

According to conversations between undersigned counsel and local counsel Keith Shigetomi, Mr. Shigetomi viewed evidence, including some swabs, at the Maui Police Department on the afternoon of January 15, 2008;

According to Ms. Evans s April 9, 2008 declaration, no swabs were at the

Maui Police Department on that date. The April 9 absence of swabs indicates to the undersigned that the swabs sent to Serological Research Institute had not at that point been returned.

6. Petitioner s counsel, based on the timing of the events relating to the swabs cannot assume that it is an impossibility that at some point additional swabs may be located.

7. Since that possibility seems to counsel to exist, Petitioner wishes to restate that if any additional swabs can be located, testing is desired.

I DECLARE UNDER PENALTY OF LAW THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Norman, Oklahoma, April 17, 2008.

/s/ Mark Barrett